

**REMARKS**

Applicant thanks the Examiner for the Advisory Action dated July 8, 2004. The original response was filed within two months of the final Office Action, namely on May 17, 2004. It was received by the office on May 19<sup>th</sup>, which is not the same as the date of submission. As a result, the period of reply expires as of the mailing date of the Advisory Action, which was July 8, 2004. Nevertheless, this filing is made within one month of the original three month date since the 18<sup>th</sup> fell on a Sunday. Therefore, this response is timely filed with the payment of a one-month extension of time.

The Examiner rejected the claims in the advisory action in part because of “adapted to be” claim language. The Examiner believes that such language is not a positive limitation but only requires the ability to so perform and further it does not constitute a limitation in any patentable sense. He goes on to cite In re Hutchison, 69 USPQ 138 (CCPA 1946). However, In re Hutchison held that a statement in the introductory clause, (i.e., the preamble of a claim) that an article is adapted for specific use, is not a limitation in the patentable sense. Applicant believes the key to this holding is the fact that the phrase was found in the introductory clause of the claim and not in the body of the claim. To support this position, Applicant cites In re Venezia 189 USPQ 149 (CCPA 1976). In this case, the court held that claim language calling for sleeves “adapted to be fitted” over insulating jackets imparts structural limitation to the sleeve. The court held that such claim language did indeed set forth the meets and bounds with a reasonable degree of precision. In addition, claims 30 and 31 have been amended to recite that “the second connecting element selectively abuts”, that “the wedge-clamping device selectively abuts” and that “the wedge-clamping device selectively moves”. Applicant respectfully requests that the Examiner withdraw his rejection in view of these arguments and the latest amendment.

It is believed that any additional fees due with respect to this paper are identified in the accompanying transmittal. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

Date: July 19, 2004

(the 18<sup>th</sup> falling on a Sunday)

Customer No. 010291

Telephone No. (248) 594-0600

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By:



Michael B. Stewart, Reg. No. 36,018  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, Michigan 48304